

Notice of Allowability

Application No.

09/981,318

Applicant(s)

WALKE ET AL.

Examiner

Art Unit

Stephen Gucker

1649

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/12/05.
2. ☒ The allowed claim(s) is/are 1-4, 6-9, renumbered as 1-8, respectively.
3. ☒ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment — SAME PAPER

8. ☒ Examiner's Statement of Reasons for Allowance —

9. ☐ Other


JANET L. ANDRES
SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT & REASONS FOR ALLOWANCE

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 1649.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter Seferian on 7/20/05.

An examiner's amendment to the record appears below.

In the claims:

In claim 1, line 1, deleted "the" and inserted before "nucleotide": --a--.

In claim 1, line 2, inserted after "sequence" :

--encoding the amino acid sequence drawn from the group consisting--.

In claim 3, line 3, after "encodes" deleted "an" and replaced with --the--.

In claim 3, lines 5-6, deleted "drawn from the group consisting of SEQ ID NO: 15, or the complement thereof." and replaced with:

--that is the complement of SEQ ID NO:15.--.

In claim 8, inserted before "host":

--cultured or isolated--.

3. The following is an examiner's statement of reasons for allowance: as Applicant has indicated with his response of 4/12/05, claim 3 is allowable over the prior art of record because the claim requires that all the limitations of clause (a) AND clause (b) be met, and not just either clause (a) OR clause (b). Furthermore, the utility and use of nucleic acids encoding semaphorin proteins is well-known in the art as exemplified by the review article by Tessier-Lavigne et al. (Science, Vol. 274, pages 1123-1133, 1996) concerning the chemorepulsive and contact repulsive activity of semaphorins against growing axons and their growth cones from neurons (e.g. Figure 1, page 1124). Therefore, antibodies directed against semaphorin proteins or pharmaceutical semaphorin antagonists will find clinical uses in cases of spinal cord or other neuronal injuries.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1649


4. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technical Center 1600 general number which is (571) 272-1600.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gucker whose telephone number is (571) 272-0883. The examiner can normally be reached on Monday to Friday from 0930 to 1800. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres, can be reached at (571) 272-0867. The fax phone number for this Group is currently (571)-273-8300.



Stephen Gucker

July 25, 2005



JANET L. ANDRES
SUPERVISORY PATENT EXAMINER